

## TRAITÉ DE COOPÉRATION EN MATIÈRE DE BREVETS

PCT/IB2003/005218

Expéditeur : le Bureau INTERNATIONAL

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NOTIFICATION DE TRANSMISSION DE COPIES  
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 PRÉLIMINAIRE INTERNATIONAL  
 SUR LA BREVETABILITÉ (CHAPITRE I OU CHAPITRE II)  
 DU TRAITE DE COOPERATION EN MATIERE DE BREVETS  
 (règle 72.2 du PCT)

25.07.2005

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**SUISSE**

Date d'expédition (jour/mois/année) 21 juillet 2005 (21.07.2005)	NOTIFICATION IMPORTANTE
Référence du dossier du déposant ou du mandataire M411.PC.10	
Demande internationale n° PCT/IB2003/005218	Date du dépôt international (jour/mois/année) 18 novembre 2003 (18.11.2003)
Déposant	MANTION S.A. etc

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Translation

## PATENT COOPERATION TREATY

## PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference M411.PC.10	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/IB2003/005218	International filing date (day/month/year) 18 novembre 2003 (18.11.2003)	Priority date (day/month/year) 19 novembre 2002 (19.11.2002)
International Patent Classification (IPC) or national classification and IPC E05D 15/06, 15/12, 15/16, 15/24		
Applicant	MANTION S.A.	

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

- (sent to the applicant and to the International Bureau) a total of 4 sheets, as follows:
  - sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
  - sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
- (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) \_\_\_\_\_, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- Box No. I Basis of the report
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

Date of submission of the demand 17 June 2004 (17.06.2004)	Date of completion of this report 03 Feb. 2005 (03.02.2005)
Name and mailing address of the IPEA/EP P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. +31 70 340-2040 Facsimile No. +31 70 340-3016	Authorized officer Mund, A Telephone No. +31 70 340-2524

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/IB2003/005218

## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language \_\_\_\_\_, which is language of a translation furnished for the purpose of:

- international search (under Rules 12.3 and 23.1(b))
- publication of the international application (under Rule 12.4)
- international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

The international application as originally filed/furnished

the description:  
pages \_\_\_\_\_ 1-8 \_\_\_\_\_, as originally filed/furnished  
pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

the claims:  
pages \_\_\_\_\_ numbers 2, 3 \_\_\_\_\_, as originally filed/furnished  
pages\* \_\_\_\_\_ numbers 1, 4, 5 \_\_\_\_\_ received by this Authority on 17 June 2004 (17.06.2004)  
pages\* \_\_\_\_\_ numbers 6-9 \_\_\_\_\_ received by this Authority on 29 November 2004 (29.11.2004)

the drawings:  
pages \_\_\_\_\_ 1/3-3/3 \_\_\_\_\_, as originally filed/furnished  
pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3.  The amendments have resulted in the cancellation of:

- the description, pages \_\_\_\_\_
- the claims, Nos. \_\_\_\_\_
- the drawings, sheets/figs \_\_\_\_\_
- the sequence listing (specify): \_\_\_\_\_
- any table(s) related to sequence listing (specify): \_\_\_\_\_

4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages \_\_\_\_\_
- the claims, Nos. \_\_\_\_\_ numbers 1-5 \_\_\_\_\_
- the drawings, sheets/figs \_\_\_\_\_
- the sequence listing (specify): \_\_\_\_\_
- any table(s) related to sequence listing (specify): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## Supplemental Box Relating to Sequence Listing

## Continuation of Box No. 1, item 2:

1. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this report was established on the basis that of:
  - a. type of material
    - a sequence listing
    - table(s) related to the sequence listing
  - b. format of material
    - in written format
    - in computer readable form
  - c. time of filing/furnishing
    - contained in the international application as filed
    - filed together with the international application in computer readable form
    - furnished subsequently to this Authority for the purpose of search and/or examination
    - received by this Authority as an amendment\* on \_\_\_\_\_
2.  In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
3. Additional comments:

\* If item 4 in Box No. 1 applies, the listing and /or table(s) related thereto, which form part of the basis of the report, may be marked "superseded".

**L Basis of the report**

1. This report has been drawn on the basis of (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*);

1. The amendments submitted with the letter of 29 November 2004 tend to broaden the subject matter of the application beyond the disclosure in the application as filed. They therefore contravene the requirements of PCT Article 34(2)(b). The amendments in question are as follows:
  - Claim 1 (lines 13 and 14): the feature "... the pivoting elements (9) are formed by the transverse edges (14) of the panels (5)" is not supported by the description, which only mentions the possibility of producing the parts (9a, 9b) of the elements (9) from the U-shaped profiled sections (14) connected to the panels.
  - Claims 2 to 4: The details to which claims 2 to 4 relate all assume that the pivoting elements (9) are formed by the transverse edges (14) of the panels (5) (claim 1). Therefore the above argument put forward with respect to claim 1 applies *mutatis mutandis* to the subject matter of these claims.
  - Claim 5: This claim is dependent on claim 1. Therefore the above argument made with respect to claim 1 applies *mutatis mutandis* to the subject matter of this claim.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

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**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	2, 4, 7, 8, 9	YES
	Claims	1, 3, 5, 6	NO
Inventive step (IS)	Claims		YES
	Claims	1-9	NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO

**2. Citations and explanations****1. Reference is made to the following documents:**

D1: DE 15 09 261 A (DONGES STAHLTOR GMBH)  
12 June 1969 (1969-06-12)

D2: S-A-6 082499 (OLDONNELL TIMOTHY P)  
4 July 2000 (2000-07-04)

D3: EP-A-1 201 858 (ALIMAK AB) 2 May 2002  
(2002-05-02)

D4: CH 343 624 A (MORRISON STEEL INC)  
31 December 1959 (1959-12-31)

D5: EP-A-0 967355 (GUTTMANN HERBERT)  
29 December 1999 (1999-12-29)

**2. The present application does not comply with PCT Article 33(1) since the subject matter of claim 1 does not meet the novelty requirements of PCT Article 33(2).**

D5, which is considered to represent the prior art closest to the subject matter of claim 1, describes (the references in brackets are to that document):

a movable door for a building, the door consisting of a plurality of panels (1) guided along at least

one curvilinear guide rail such that the panels are at least substantially parallel to the rail and are articulated relative to each other about pivot pins (11, 13) parallel to their longitudinal edges by means of pivoting elements (6, 7), the longitudinal edges of the panels (1) being provided with complementary male and female profiled sections preventing fingers from becoming caught, the pivot pins (11, 13) of the pivoting elements (6, 7) being at least substantially coplanar to the inner faces (5) of the panels (1) hinged thereon, and the pivoting elements (6, 7) being connected (12, 16) to the transverse edges (4) of the panels (1).

Therefore, all the features of claim 1 are described in D5.

3. Dependent claims 2 to 9 do not contain any features which, combined with those of any of the claims to which they refer, might define subject matter that would meet the PCT novelty and/or inventive step requirements (PCT Article 33(2) and (3)); see:

claim 2: D2 (figures 2, 3, 5 and 10), D3  
(figures 3 and 5);  
claims 3 and 5: D3 (figures 3, 7 and 8) and D5  
(figures)  
claim 4: D1 (figure 6), D3 (figures 3, 7 and 8)  
claim 6: see claim 5  
claim 7: the feature of this claim is only  
one of several obvious possibilities  
from which a person skilled in the art  
would choose, according to the  
circumstances, to connect a U-shaped  
profiled section to a panel, without

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thereby being inventive;  
claim 8: D2 (figures 2, 3, 5 and 10), D3  
(figures 3, 4 and 5)  
claim 9: see claim 2.